

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

APR 02 2018 *YJ*

TALMON HEGWOOD, JR.,  
Plaintiff,

-versus-

MEIJER, INC. and CASEY STEFANO  
Defendants.

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

No. 1:17-cv-02887

No. 1:17-cv-0128

Honorable GARY FEINERMAN, J.

Honorable ANDREA R. WOOD, J.

MOTION FOR A CONSOLIDATION ORDER

NOW INTO THIS HONORABLE COURT comes TALMON HEGWOOD, JR. (Hegwood) proceeding in propria persona and respectfully moves the Court for an ORDER Consolidating the two causes of action captioned above. This motion is being made pursuant to the applicable provisions of the Federal Rules of Civil Procedure (Fed.R.Civ.P). Fed.R.Civ.P 42(a)(2).

The grounds for this motion are as follows:

I

This pro se plaintiff was arrested in the clear absence of probable cause and he was assaulted and choked by defendant CASEY STEFANO (STEFANO) a police officer for the city of Berwyn on December 2, 2018. The plaintiff Hegwood was charged with an alleged shoplifting that is asserted by Meijer, Inc. (Meijer) defendant herein in Court document to have occurred on August 11, 2015, December 16, 2016 and/or September 1, 2016. Realizing the Court is exceedingly busy this

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i. See Holmes v. Vill. of Hoffman Estates, 511 F.3d 673 (7th Cir 2007); Garcia v. City of Chicago, 2012 U.S. Dist. LEXIS 22708 (Feinerman, J.); Powell v. City of Berwyn, 68 F. Supp. 3d 929 (N.D.Ill. 2014); Manuel v. City of Joliet, 137 S.Ct. 911 (U.S. 2017) ...

pro se plaintiff adopts the Court's MEMORANDUM OPINION AND ORDER (Doc. # 50) here verbatim as opposed to elaborating the factual contentions and issues involved in the cause. styled and numbered Hegwood v. Meijer, Inc., et al. No. 1:17-cr-02887.

## II

On January 9, 2017, Hegwood filed in the office of the Clerk of Court a form complaint; in forma pauperis affidavit and motion for appointment of counsel. The cause was assigned to United States District Court Judge, Honorable Andrea R. Wood (Wood). The factual issues have yet to be addressed; although Judge Wood did enter an ORDER which granted Hegwood leave to proceed as a poor person in forma pauperis. The Court also recruited Mr. Tarek Ismail, and (Allyson), Mrs. Allyson Julian, Esq to provide Hegwood with legal representation. In the cause Hegwood v. Nneka Jones-Tapia, et al. No. 1:17-cr-0128. Hegwood, of course, certainly appreciate the Court's initiative and the assistance rendered by recruited counsel and less there be any misperception Hegwood and both Attorneys mentioned hereinabove has and shall continue to maintain a productive and constructive Attorney-client relationship. In point of fact, however, the case and its current status fuel the truth to the old adage: "The Law Travel On leaden feet." The Court's ORDER in No. 1:17-cr-0128 (Doc. # 33) indicated that it concluded that Hegwood was in "imminent danger" as a result of being denied treatment for his Hepatitis C Virus (HCV) which he

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ii. In his complaint, Hegwood v. Jones-Tapia, et al, the Honorable Judge Wood recognized that Hegwood (sic) " claims that defendants who are correctional officials and health care providers employed by the Illinois Department of Corrections ("IDOC")" and "...the Cook County Jail, have violated his constitutional rights by exposing him to unsafe conditions of confinement, acting with deliberate indifference to his serious medical needs, miscalculating his release date, subjecting him to inhumane conditions of confinement, retaliating against him for being a "whistleblower," interfering with his access to the courts and failing to protect him..."

contracted after being forced to accept a prison program job assignment while confined in an IDOC penal facility. IDOC records will reveal Hegwood was the TRASH COMPACTOR OPERATOR at Shawnee Correctional Center. IDOC officials were and no doubt still are engaged in illegal dumping of human waste and have also illegally dumped hazmat or hazardous materials. Judge Wood was correct. Hegwood was and still is in imminent danger as an inescapable result of Cook County Department of Corrections (CCDOC) continuing with an unconstitutional protocol styled "POLICY" copy of which is annexed hereto, incorporated herein and made a part hereof as Exhibit A. Not only were American citizens in the Southern Illinois community near the Hardin County work camp effected, some fatally, but because of the intentional failure to afford IDOC and CCDOC inmates minimally adequate treatment after discovering they were positive for HCV; more than eighty-five (85) former CCDOC detainees were allowed to die as opposed to providing treatment for. A listing of the numerous men and women who expired because of the denial of adequate medical treatment are named in a document styled "DECEASED INMATES" prepared by the learned renowned Attorney, Honorable H. Kent Heller and his staff at Heller Holmes + Associates, P.C. The deceased inmates list is annexed hereto and made a part hereof as Exhibit B. The decedents are begging the Courts for justice and hopefully the Court will declare that CCDOC's "POLICY" as described in Exhibit A is unconstitutional. Decedents beg through the pen and the voice of Hegwood. The law was clearly established that Hegwood and decedents had a right to treatment for HCV. See Roe v. Flyea, 631 F.3d 843 (7th Cir. 2011). Roe stand for the proposition that when IDOC and CCDOC become aware of an inmate, or detainee has HCV they have an obligation to afford him/her adequate treatment. See,

Robinson v. California, 370 U.S. 660 (1962); Estelle v. Gamble, 429 U.S. 97 (1976); Familierv. Brennan, 511 U.S. 1994, 511 U.S. 825 (1994) and Ziglar v. Abassi, 137 S.Ct. 1843 (2017). Intentionally delaying treatment for a potentially fatal disease and falsifying Hegwood's medical records is no less than deliberate indifference and criminal recklessness. Because CCDOC knows of but have failed to afford Hegwood treatment for his HCV which is "serious" CCDOC Policy-makers are liable to Hegwood for damages. See Millerv. Campanella, 794 F.3d 878 (7th Cir. 2015); Johnson v. Wright, 412 F.3d 398 (2nd Cir 2005)(HCV); McDonald v. Hardy, 821 F.3d 882 (7th Cir. 2016). But see, Chimenti v. Pa. Dept. of Corrections, 2017 U.S. Dist. LEXIS 124892 (HCV Protocol)(Treatment with DAADS for 8-12 weeks cures more than 90% of patients and has become the standard of care in the community for HCV) Chimenti, Id at pg. 6. See also, Roberts v. Wilson, 2017 U.S. Dist. LEXIS 159873.

### III

Fed.R.Civ.P. 42(a)(2) comes into play in the case at bar particularly in light of the fact the two civil rights causes brought by Hegwood involve the same issues, for the most part and defendant Stefano is named in both causes. Discovery is nearly the same and there is only one plaintiff. No plaintiff should have two different Federal District Court Judges rendering judicial decisions concerning nearly the same issues, the same plaintiff, one of if not more, of the same defendants at the same time; and, the Rules clearly allow Federal District Court Judges to consolidate actions<sup>iii</sup> that involve a common question of law or fact<sup>"1)</sup>; Blair v Equifax Check Servs, Inc., 181 F.3d 832, 839 (7th Cir. 1999). Consolidating Hegwood v. Meijer, Inc., and Casey Stefano

<sup>iii</sup>. See Burnett v. Owen Loan Servicing LLC, 2017 U.S. Dist. LEXIS 183827 (N.D.Ill. 2017).

No. 1:17-cv-02887 with Hegwood v. Stefano, Jones-Tapié, et al., No. 1:17-cv-0128 is by far the best means of avoiding wasteful overlap when related suits are pending in the United States District Court for the Northern District of Illinois. Judge Gary Feinerman is exceedingly preoccupied in the interludes of Court business no doubt has a very heavy schedule. In point of fact, however, the transcript of the first hearing in our cause where the attorneys for both Meijer, Inc. and Stefano, and Hegwood appeared in person shall reveal; that Hegwood advised the Court and put defendants on notice that he intended to bring a motion to consolidate the two cases.<sup>ir</sup> Judge Feinerman advised Meijer and Stefano's attorney that Stefano had been named in Hegwood's action pending before the Honorable Judge Wood and that his Honor would confer with her Honor. Suffice to say no party will be prejudice by an order consolidating the two causes of action and having Federal Magistrate, Honorable Daniel G. Martin continue supervise discovery and perhaps adjudicate the controversy.

Respectfully submitted,

John Legwood  
John Legwood, Jr. pro se  
#20170620227 DIV 4-2-L  
Post Office Box 089002  
Chicago, IL 60608

Affirmed

SUBSCRIBED AND ~~SERENED~~ TO before me, this the 19<sup>th</sup> day of March 2018.

Carmella K. Richards  
NOTARY PUBLIC



ir. General Counsel for defendants, the Cook County Sheriff and CEO for the CEDOC also appeared before the United States Magistrate Judge in connection with Hegwood v. Meijer, Inc., et al. which provides proof positive that all parties stand on an equal footing.

AFFIDAVIT OF SERVICE

Before me, the undersigned authority, did personally affiant, TALMON HEGWOOD, JR., known unto me, who upon his oath, after being duly sworn did depose and state:

I HEREBY CERTIFY that I have served a true and correct copy of

MOTION FOR A CONSOLIDATION ORDER on

Mr. Joseph C. Steahan, Esq.  
Cunningham, Meyer + Yedrine  
Attorneys At Law  
One East Wacker Drive  
Chicago, IL 60601

Mr. Michael Durkin, Esq.  
Storino Romello + Durkin  
Attorneys At Law  
950 West Devon Suite 800  
Rosemont, IL 60018

Mr. Nicholas Scuffas, Esq.  
General Counsel  
Sheriff of Cook County  
50 West Washington Street  
Chicago, IL 60602

Mrs. Laura Logan, Esq.  
Commentator  
CBS 60 Minutes  
124 West 57th Street  
New York, NY 10019

Honorable John R. Lautsch, Jr.  
United States Attorney  
U.S. Department of Justice  
219 South Dearborn Street  
Chicago IL 60604

Honorable Jeff Sessions  
Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave., N.W.  
Washington, D.C. 20530

President Donald Trump  
c/o Honorable Randolph Tex Alles  
Director U.S. Secret Service  
White House  
Washington, D.C. 20500

Mr. Edwin Eisendrath, Esq.  
CEO  
Chicago, IL Chicago Sun Times  
350 North Orleans Street  
Chicago, IL 60654

by placing same in sealed envelopes, properly addressed, first class postage prepaid and posting same with the U.S. Postal Service on or before March 20, 2018.

I declare under the penalty of perjury the above is true and correct

*Talmon Hegwood, Jr.*  
Talmon Hegwood, Jr.

SUBSCRIBED AND AFFIRMED  
before me, this the 19th day of March 2018,

Carmella K. Richardson  
NOTARY PUBLIC



| <b>Cermak Health Services of Cook County<br/>Policy G-02.7, Hepatitis C</b> |                                |
|---|--------------------------------|
| Lead Department: Medicine   | Effective Date: 8/1/2010       |
| Participating Departments: A C D I L M N Q                                  | Due Date for Review: 7/31/2011 |

## POLICY

Cermak Health Services will test for hepatitis C virus (HCV) infection in patients with chronic liver disease, patients with HIV infection or chronic hepatitis B infection, patients on hemodialysis, and persons who request the test. Cermak will evaluate patients with known hepatitis C. In making treatment decisions, Cermak will take into account the length of stay in jail, which is typically both unpredictable and short in comparison with the time needed for evaluation and treatment. Cermak will counsel patients with known HCV regarding reducing risk of transmission and will assist in discharge planning.

## PROCEDURE

*The clinician should, in general:*

1. Test the patient for hepatitis C infection in any of these situations, if prior testing has not been done:
  - Symptoms or signs of chronic liver disease
  - Repeatedly elevated liver enzymes over a period of at least 6 months
  - HIV infection or chronic hepatitis B infection
  - Hemodialysis
  - Patient request
  - Sexual assault while incarcerated – see Cermak Policy B-05
2. Proceed as follows in a patient with confirmed hepatitis C infection:
  - Enter the diagnosis on the problem list (ICD-9 code 070.54);
  - Perform and document a focused history and physical exam;
  - Test CBC, albumin, bilirubin, INR, HIV, hepatitis B antigen, and serial transaminases;
  - Consider hepatic imaging;
  - Recommend hepatitis A and B immunization, if not already given
  - Counsel the patient to:
    - Abstain from all alcoholic beverages and illicit drugs;
    - Avoid sharing razors, toothbrushes, or drug paraphernalia;
    - Practice safe sex;
  - Offer drug counseling, if clinically appropriate;
  - Provide a list of sites for follow-up in the event that the patient is discharged
3. Consult with a specialist in infectious disease and/or gastroenterology in any of the following situations:
  - The patient in the midst of hepatitis C treatment or post-treatment surveillance when incarcerated;
  - The patient has hepatitis C and fulfills published national guidelines as a person for whom therapy would be widely accepted (American Association for the Study of Liver Diseases, as endorsed by the Infectious Disease Society of America: [www.aasld.org/practiceguidelines](http://www.aasld.org/practiceguidelines)) AND the patient:
    - Has been abstinent from alcohol and illicit drug use for at least 6 months and states a commitment to remain abstinent throughout entire period of treatment and post-treatment surveillance; AND
    - Has an anticipated jail stay of 12 months or more; AND
    - Is willing to consider antiviral treatment.
  - The patient has hepatitis C and is also suspected to have a coexisting treatable cause of chronic liver disease.

## SELF-MONITORING OF COMPLIANCE INDICATORS

See Cermak Policy G-02

SAO BOBBITT 001084

MOTION FOR CONSOLIDATION Exhibit A

**Cermak Health Services of Cook County  
Policy G-02.7, Hepatitis C**

**CROSS-REFERENCES**

|  |                       |
|--|-----------------------|
| NCCHC Standards addressed by this policy         | G-01, G-02            |
| Pertinent ACA Standards                          | 4-ALDF-4C-19          |
| Cermak policy number in last revision            | 19-B-01-27; 01-08G-25 |
| Revision dates of all previous versions          | 1/2006                |
| Date of last review, if later than last revision | n/a                   |
| Other related Cermak policies                    | G-01, G-02            |
| Pertinent system-wide CCHHS policies             | n/a                   |
| Pertinent custody directives                     | n/a                   |

**Cermak Health Services of Cook County**  
**Policy G-02.7, Hepatitis C**

| <b>Participating Department</b><br>* Lead department for this policy |                          | <b>Signature</b>      | <b>Date</b> | <b>Review:</b><br>Initials, Date | <b>Review:</b><br>Initials, Date |
|--|--------------------------|-----------------------|-------------|----------------------------------|----------------------------------|
| A  | Chief Operating Officer* | <i>M. Pfeifer, DO</i> | 6/5/10      |                                  |                                  |
| A  | Chief Medical Officer*   |                       |             |                                  |                                  |
| C  | Corrections              |                       |             |                                  |                                  |
| D  | Dental                   |                       |             |                                  |                                  |
| I  | Infection Control        |                       |             |                                  |                                  |
| L  | Laboratory               |                       |             |                                  |                                  |
| M  | Medical                  |                       |             |                                  |                                  |
| N  | Patient Care Services    |                       |             |                                  |                                  |
| Q  | Quality Improvement      |                       |             |                                  |                                  |



|   |                            |                                     |
|---|----------------------------|-------------------------------------|
|   |                            | Category:<br>Cermak Health Services |
| Subject:<br><b>Special Needs and Services</b> | Page<br>1 of 3             | Policy #:<br>G-02.7                 |
| Title:<br><b>HEPATITIS C</b>                  | Approval Date:<br>2/6/2015 | Posting Date:<br>2/27/2015          |

## POLICY

Cermak Health Services will consider testing for hepatitis C virus (HCV) infection when clinically indicated. In making treatment decisions, Cermak will take into account the length of stay in jail, which is typically both unpredictable and short in comparison with the time needed for evaluation and treatment. Cermak will counsel patients with known HCV regarding reducing risk of transmission and will assist in discharge planning.

## PROCEDURE

*The clinician should, in general:*

1. Test the patient for hepatitis C infection in any of these situations, if prior testing has not been done:
  - Symptoms or signs of chronic liver disease
  - Repeatedly elevated liver enzymes over a period of at least 6 months
  - HIV infection or chronic hepatitis B infection
  - Hemodialysis
  - Sexual assault while incarcerated – see Cermak Policy B-05
2. Proceed as follows prior to referral to specialist in a patient with suspected or with confirmed hepatitis C infection:
  - Perform and document a focused history and physical exam;
  - Order appropriate testing;
  - Recommend hepatitis A and B immunization, if not serologically immune
  - Counsel the patient on self-harm reduction practices;
3. Consult with a specialist in infectious disease in any of the following situations:
  - The patient is in the midst of hepatitis C treatment or post-treatment surveillance when incarcerated;
  - The patient has hepatitis C and fulfills CCHHS practices about qualifications for treatment.

## SELF-MONITORING OF COMPLIANCE INDICATORS

See Cermak Policy G-02

SAO BOBBITT 001087

MOTION FOR CONSOLIDATION Exhibit A

| Title:      | Page   | Policy # |
|-------------|--------|----------|
| HEPATITIS C | 2 of 3 | G-02.7   |

**CROSS REFERENCES**

|  |                       |
|--|-----------------------|
| NCCHC Standards addressed by this policy         | G-01, G-02            |
| Pertinent ACA Standards                          | 4-ALDF-4C-19          |
| Cermak policy number in last revision            | 19-B-01-27; 01-08G-25 |
| Revision dates of all previous versions          | 1/2006                |
| Date of last review, if later than last revision | n/a                   |
| Other related Cermak policies                    | G-01, G-02            |
| Pertinent system-wide CCHHS policies             | n/a                   |
| Pertinent custody directives                     | n/a                   |

|                       |                |                    |
|-----------------------|----------------|--------------------|
| Title:<br>HEPATITIS C | Page<br>3 of 3 | Policy #<br>G-02.7 |
|-----------------------|----------------|--------------------|

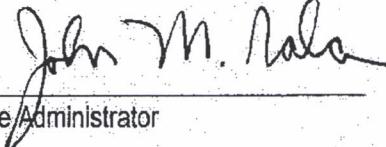
**POLICY LEAD**

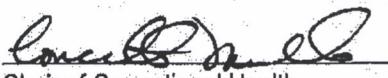
Infection Control

**REVIEWER(S)**

Chair of Correctional Health

**APPROVAL PARTY(IES)**

  
John M. Nola  
Site Administrator

  
Carol S. Drisko  
Chair of Correctional Health

**POLICY HISTORY**

Written: 8/1/2010

Revised 2/6/2015

BRENT D. HOLMES  
H. KENT HELLER  
FRED JOHNSON  
HEATH UPPENCAMP\*  
JENNIFER A. KOEBELE  
CONRAD M. SCULLY

\_\_\_\_\_  
HARLAN HELLER  
RETIRED

LAW OFFICES OF  
HELLER, HOLMES & ASSOCIATES, P.C.  
A PROFESSIONAL CORPORATION  
1101 BROADWAY  
P.O. BOX 889  
MATTOON, ILLINOIS 61938-0889  
(217) 235-2700  
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January 3, 2018

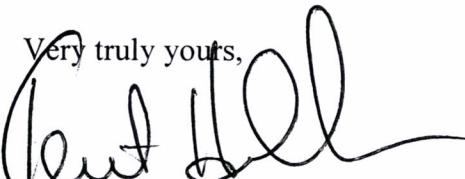
**LEGAL MAIL**

Mr. Talmon Hegwood #20170620227  
Cook County Jail  
P.O. Box 089002  
Chicago, IL 60608

Re: Deceased Plaintiffs  
Our File No. 17774

Dear Mr. Hegwood:

Enclosed is a list of the Plaintiffs in our cases that we know of that have passed.

Very truly yours,  
  
H. Kent Heller

HKH/kjs  
Enc.  
hegwood 17774 1.3.18 letter to client

**DECEASED INMATES**

1. Luis Reyes #16304 - **Dismissed from case on 1/10/11**
2. Lawrence Napue #16145 - **Dismissed from case on 9/18/12**
3. James Evenson #16530 - **Dismissed from case on 9/18/12**
4. Gaylord Richardson #16930
5. John Silva #16861
6. Brian Lee Wilson #16189 - **Dismissed from case on 11/27/12**
7. Johnny Massey #16979 - **Dismissed from case on 9/18/12**
8. Daniel Wead #16514 - **Dismissed from case on 9/18/12**
9. Kevin Dean #16162
10. Dennis Wilson #16370
11. James Hart #16330 - **Dismissed from case on 11/27/12**
12. David Julian #17112
13. Douglas Roper #16129
14. Terry Cocroft #16827
15. Darnell Palacio #17546
16. Sturgis Jones #16030
17. Willie Moses Adkins #16438 - **Dismissed from case on 9/18/12**
18. Harold Higgens #16024
19. Travis Armstrong #17730
20. Leland R. Gold #18014
21. Thomas Pagnano #16520
22. Guadalupe Lopez #16371
23. Robert Thomas #16547 - **Dismissed from case on 9/18/12**
24. Bernard Quinten Smith #16176
25. Jesus Miranda #16414
26. Cleveland Seamon #16972
27. Grayland Johnson #17893
28. William Hutchinson #17769
29. Stacy Stevens #16813
30. Serafin Flores #16006
31. Richard Herman #16676
32. Nicholas Heiman #16410
33. Daniel Duane #16714
34. Claxton H. Williams #16387
35. Dennis Glick #16540
36. Leland Harland #18665
37. Ronald Granger #17390
38. William Stellwagen #16856
39. William Mazurek ##16910
40. Christopher James #18813
41. Charles Corley #17833
42. Dabney Tatum #17351
43. Robert Gibson #18510

- 44. Burdette Olsen #16545
- 45. Bret Baker #17758
- 46. Carl Tatman #17965
- 47. John Waldron #18628
- 48. Robert Richko #17659
- 49. Kenneth Shaffer #18438
- 50. Phillip Day #16607
- 51. Alphonso Paul de la Paz #17242
- 52. Russell Tobias #19047
- 53. Steven Gold #18479
- 54. Herbert Zackery #16460
- 55. Stephen Dryden #19869
- 56. Sidney Portis #19445
- 57. Dennis Rossato #18185
- 58. Frank Volkmar #16817
- 59. Bruce Reed #19950
- 60. Randy Hill #20298
- 61. Lance Manning #17316
- 62. Gilberto Vera #16511
- 63. Michael Bayles #18508
- 64. Alex Gaminio #18618
- 65. Neil Skowron #18323
- 66. Marcello Cruz #17105
- 67. Lamont Thomas #17146
- 68. Steven Leclaire #19581
- 69. Randolph A. Mullen #19813
- 70. Kevin Dickens #20153
- 71. Aimee Fisher #19452
- 72. Jesse A. Rosales #20669
- 73. Andre Crawford #19144
- 74. Robert Porter #19989
- 75. John R. Moore #18696
- 76. Matthew S. Widel-Keller #21245
- 77. Michael Wilkins #18621
- 78. Joseph Cholico #19465
- 79. Donald Bowman #20170
- 80. Johnnie Higgins #19947
- 81. Larry Landis #19361
- 82. Henry Johnson #18549
- 83. David Treece #18459
- 84. Larry Jordan #17210
- 85. George Douglas #17125
- 86. Darryl Wooding #16555

Talmon Hegwood Jr.  
#20170620227 D-6-1-R  
Post Office Box 089002  
Chicago, IL 60608



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2018 APR -2 AM 9:31

Honorable Daniel G. Martin c/o  
Honorable Thomas G. Brunton  
Clerk  
United States District Court  
219 South Dearborn Street  
Chicago, IL 60604